

AMENDMENTS TO THE CLAIMS

IN THE CLAIMS:

1-53. (Canceled)

54. (Currently Amended) A writing instrument comprising:

an elongate body having first and second ends;

a writing mechanism projecting from the body first end; and

a deformable sleeve having a generally tubular base with a first diameter and defining an inner surface engaging the body near the writing mechanism, a generally tubular outer membrane with a second diameter larger than the first diameter positioned generally concentric with the base, wherein respective ends of the base and outer membrane engage to define a cavity therebetween, ~~[[a]]~~ an annular sealable passageway defined between adjacent, engaged ends of the tubular base and outer membrane in fluid communication with the cavity, and a formable material disposed in the cavity.

55. (Previously Presented) The writing instrument of claim 54, in which the base and outer membrane are integrally formed from a single piece of material.

56. (Currently Amended) The writing instrument of claim 55, in which the single piece of material comprises an elongate, flexible tubular member ~~of flexible material~~ having a first end, a second end, a larger diameter portion, and a smaller diameter portion, wherein ~~an intermediate portion of the smaller diameter portion is~~ partially disposed within the larger diameter portion such that the smaller diameter portion is folded so that a remainder of the smaller diameter portion passes through the larger diameter portion and the first end and second ends ~~[[is]]~~ are adjacent ~~to and contact each other the second end, thereby to form~~ forming the base and outer membrane.

57. (Currently Amended) The writing instrument of claim 56, in which the ~~intermediate~~ smaller diameter portion defines a 180 degree fold.

58. (Currently Amended) The writing instrument of claim 56, in which the adjacent first and second ends of the folded elongate tubular member define the annular sealable passageway.

59. (Previously Presented) The writing instrument of claim 54, in which the base and outer membrane are generally cylindrical.

60. (Previously Presented) The writing instrument of claim 54, in which the base and outer membrane are bonded together.

61. (Previously Presented) The writing instrument of claim 54, in which the formable material holds a deformed shape for at least 5 seconds following release by a user of the outer membrane.

62. (Previously Presented) The writing instrument of claim 54, in which opposite ends of the base and outer membrane engage one another to form flat edge portions on opposite ends of the sleeve.

63. (Previously Presented) The writing instrument of claim 54, in which the base inner surface is sized to frictionally engage the body.

64-69. (Canceled)

70. (New) A writing instrument comprising:

- an elongate body having first and second ends;
- a writing mechanism projecting from the body first end; and
- a deformable sleeve having a generally tubular base with a first diameter and defining an inner surface engaging the body near the writing mechanism, a generally tubular outer membrane with a second diameter larger than the first diameter positioned generally concentric with the base, wherein respective ends of the base and outer membrane engage to define a cavity therebetween, a sealable passageway defined between adjacent ends of the tubular base and outer membrane in fluid communication with the cavity, and a formable material disposed in the cavity, wherein the formable material holds a deformed shape for at least 5 seconds following release by a user of the outer membrane.